

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
FAMILY DIVISION
DOMESTIC RELATIONS BRANCH**

SHANTAE DAVIS,

Plaintiff,

v.

HAROLD MCCRIMMON JR,

Defendant.

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Case No. 2021 DRB 002314

**ORDER GRANTING PLAINTIFF'S MOTION TO
SERVE BY POSTING**

This matter came before the Court on November 9, 2021 for an initial hearing on Plaintiff Shantae Davis's Complaint, filed on September 23, 2021, concerning custody of the minor child Zahari McCrimmon (DOB: 2/3/2015). Plaintiff appeared *pro se* via Webex. Defendant Harold McCrimmon Jr. did not appear.

Although previous attempts to file were rejected for technical reasons, on November 10, 2021, Plaintiff successfully filed her previously rejected *Motion to Serve by Publication or Posting* ("Motion"), which requests that the Court allow Plaintiff to serve Defendant by posting notice in the Domestic Relations Clerk's Office. The Court discussed Plaintiff's Motion at the November 9, 2021 hearing, although the Motion had not yet been docketed, as the Court anticipated that it would be docketed shortly; as noted above, it was successfully filed the next day.

Before an order allowing service by publication or posting may be issued, the Plaintiff must demonstrate that they made a diligent but futile effort to locate the Defendant, and must furnish the Court with the following:

(1) the time and place at which the parties last resided together; (2) the last time the parties were in contact with each other; (3) the name and address of the last employer of the Defendant either during the time the parties resided together or at

a later time if known to the Plaintiff; (4) the names and addresses of those relatives known to be close to the Defendant; and (5) any other information which could furnish a fruitful basis for further inquiry by one truly bent on learning the present whereabouts of the Defendant. From such basic information, the Plaintiff should then detail for the Court the particular efforts which have been made in the effort to ascertain the Defendant's present address.

Bearstop v. Bearstop, 377 A.2d 405, 408 (D.C. 1977).

In the case at hand, the Court finds that Plaintiff has performed a diligent search for Defendant, despite having very little information on his whereabouts. According to her Motion and testimony, Plaintiff has not had any contact with Defendant in two to three years due to previous domestic violence between them. Plaintiff does not know Defendant's phone number, place of employment, or any of his family members or friends. Plaintiff mailed the Complaint to Defendant's last known address via certified mail, but the post office sent the return receipt unsigned or marked as "not found." Plaintiff also called 411 and searched several prisons and jails in the District and Maryland. None of these efforts revealed the whereabouts of Defendant.

Based on the foregoing, the Court finds that Plaintiff has made diligent efforts to locate Defendant. The Court next considers Plaintiff's request for service by posting, rather than publication. Pursuant to the Rules Governing Domestic Relations Proceedings, Rule 4(f), the Court may authorize service by posting notice in the Clerk's Office of the Family Court for a period of twenty-one (21) days if the cost of publication would impose a substantial financial hardship. *See* D.C. CODE § 13-340(a). During the hearing, Plaintiff indicated that she earns \$55,000 a year and has three dependents (including two minors and a senior citizen, for whom she provides all of the care), and has had extra expenditures on filing fees due to technical difficulties; thus, the Court finds that publication would pose a financial hardship. In the interests of justice, the Court authorizes service by posting of the below notice for a period of twenty-one (21) days in the Clerk's Office, and, given the Coronavirus pandemic, on the Court's website.

If Defendant fails to file a responsive pleading within the time allowed after he has been served, the Court may enter a default and convert the next hearing into a default/*ex parte* hearing to take testimony from Plaintiff and proceed to final judgment without Defendant's participation or further proceedings.

WHEREFORE, it is on this 12th day of November, 2021, hereby

ORDERED, that Plaintiff's *Motion to Serve by Publication or Posting* is **GRANTED**. It is further

ORDERED, that prior to the next scheduled hearing, **Plaintiff must file an affidavit in compliance with the Servicemembers Civil Relief Act.** It is further

ORDERED, that the attached notice shall be posted in the Clerk's Office of the Family Court of the Superior Court of the District of Columbia and on the Superior Court's website for a period of twenty-one (21) calendar days in order to serve Defendant and notify him of the present action in which he is a party. It is further

ORDERED, that the parties shall appear for a continued initial hearing on **January 14, 2022 at 2:00 p.m.** in Courtroom 104 (500 Indiana Ave NW, Washington, DC 20001). The Court anticipates that the hearing will be remote; therefore, instructions to participate are attached. **However, please contact JudgeHigashiChambers@dcsc.gov one week prior to your hearing to determine whether hearings have resumed in person or will be proceeding remotely.** If Defendant does not file a responsive pleading with twenty-one (21) days after service pursuant to the Rules Governing Domestic Relations Proceedings, Rule 12(a), or appear at the hearing, the Court will enter default against Defendant and convert the January 14, 2022 hearing to a default/*ex parte* hearing to take testimony from Plaintiff and proceed to final judgment without Defendant's participation.

IT IS SO ORDERED.



ELIZABETH C. WINGO
D.C. SUPERIOR COURT JUDGE

Copies to:

Shantae Davis
shdavis319@gmail.com
Via Email
Plaintiff

Harold McCrimmon Jr.
1223 Benning Rd. #3
Capitol Heights, MD 20743
Via First Class Mail
Defendant

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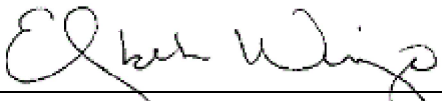
NOTICE OF CUSTODY PROCEEDING

HAROLD MCCRIMMON JR, YOU ARE HEREBY NOTIFIED THAT a complaint for custody has been filed in the above-captioned matter.

IF YOU WANT TO CHALLENGE THIS COMPLAINT, you must file a written objection with the Court within 21 days, and appear for the status hearing scheduled for January 14, 2022 at 2:00 p.m. in Courtroom 104, that will be held remotely due to the coronavirus pandemic. Instructions to appear remotely are stated below, and can be obtained in writing by contacting the chambers of Judge Higashi at JudgeHigashiChambers@dcsc.gov in advance of the hearing. If you do not file a written objection within 21 days or appear at the hearing, default may be entered against you, the initial hearing may be converted to a default/ex parte proof hearing, and judgment may be entered without further proceedings. Your objection should be emailed to FamilyCourtCIC@dcsc.gov, and directed to the Domestic Relations Branch Clerk, Family Court, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, DC 20001.

IF YOU DO NOT WANT TO CHALLENGE THIS COMPLAINT, you may consent to the relief sought prior to the status hearing scheduled for January 14, 2022 at 2:00 p.m. in Courtroom 104. For more information on how to file a Consent Answer, please contact the Family Court Self-Help Center by telephone number (202) 879-0096.

FAILURE TO RESPOND IN THIS MATTER MAY RESULT IN THE ENTRANCE OF A CUSTODY ORDER WITHOUT YOUR PARTICIPATION.


ELIZABETH C. WINGO
D.C. SUPERIOR COURT JUDGE

INSTRUCTIONS TO PARTICIPATE IN A REMOTE HEARING:

The Court prefers participation by video and below are two options to attend by video. If a participant does not have a device that allows for video participation, participating by telephone is acceptable, and there is one option to do so below. **Should you encounter any difficulties, please email JudgeHigashiChambers@dcsc.gov.**

****When you log in to the remote courtroom, there may already be a hearing in progress. Please wait for the courtroom clerk to address you and mute your video/phone whenever you are not speaking.****

To access the remote courtroom by computer (two methods):

- 1) Open Web Browser in Google Chrome and copy and paste following address:
<https://dccourts.webex.com/meet/ctb104>
OR
- 2) Open Web Browser in Google Chrome and copy and paste following address:
<https://dccourts.webex.com>. Select JOIN, enter ACCESS CODE: **129 494 4503**.

To access the remote courtroom by smart phone or tablet:

Go to App Store, Download WebEx App (Cisco WebEx Meetings), Select Join Meeting, Enter URL: <https://dccourts.webex.com/meet/ctb104>, enter your name and e-mail.

To access the remote courtroom by phone, no video:

Call 1 (844) 992-4726, enter Access Code: **129 494 4503#**, hit # again to enter session.